

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

LOUISIANA FARM BUREAU MUTUAL
INSURANCE CO.

CIVIL ACTION NO. 17-cv-1386

VERSUS

JUDGE HICKS

WHIRLPOOL CORP.

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Louisiana Farm Bureau Mutual Insurance Company filed suit in state court against Whirlpool Corporation to recover amounts that Farm Bureau paid one of its insured after a Whirlpool dryer caught fire and damaged the insured's home. Whirlpool removed the case based on an assertion of diversity jurisdiction, which puts the burden on Whirlpool to plead all facts necessary to show complete diversity of citizenship.

Whirlpool describes itself as a Delaware corporation with its principal place of business in Michigan. It asserts that Farm Bureau is "a citizen and resident of the State of Louisiana," citing to the introductory petition of Farm Bureau's state court petition. That pleading alleges that Farm Bureau is "a domestic insurance corporation authorized to do and doing business in the State of Louisiana ...".

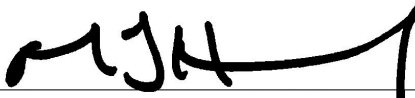
Farm Bureau is alleged to be a corporation, so it is deemed to be a citizen of (1) the state in which it was incorporated and (2) the state where it has its principal place of business. 28 U.S.C. § 1332(c)(1). To establish diversity jurisdiction, a complaint or notice of removal must set forth "with specificity" a corporate party's state of incorporation and its

principal place of business. “Where the plaintiff [or removing party] fails to state the place of incorporation or the principal place of business of a corporate party, the pleadings are inadequate to establish diversity.” Joiner v. Diamond M Drilling Co., 677 F.2d 1035, 1039 (5th Cir. 1982). The Fifth Circuit requires strict adherence to these straightforward rules. Howery v. Allstate Ins. Co., 243 F.3d 912, 919 (5th Cir. 2001).

Neither the notice of removal nor the petition appears to allege with specificity the state in which Farm Bureau has its principal place of business. A corporation’s principal place of business is where its high-level officers direct, control, and coordinate the corporation’s activities. This place is sometimes described as the “nerve center” of the corporation. Hertz Corp. v. Friend, 130 S.Ct. 1181 (2010). As for state of incorporation, the petition implies that Farm Bureau is incorporated in Louisiana when it alleges that it is a domestic insurance corporation, but a specific allegation of the state in which it is incorporated will remove any doubt as to whether Whirlpool satisfied its burden.

Whirlpool, to meet its burden with respect to diversity, must file an amended notice of removal by **November 13, 2017** and state with specificity the state(s) in which Farm Bureau (1) was incorporated and (2) has its principal place of business.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 30th day of October, 2017.



Mark L. Hornsby
U.S. Magistrate Judge